

25. (Currently amended) A method according to Claim 24, wherein the ~~polyol~~ glycerol triester (A) is a glycerol triester ~~polyol~~ esterified by carboxylate groups each having 14 to 22 carbon atoms.

26. (Currently amended) A method according to Claim 25, wherein component (B) is a mixture of glycerol mono-esters or and di-esters of a carboxylic acid glycerol having 8 to 30 carbon atoms.

REMARKS

Applicants have amended Claims 1, 5, 7, 8, and 24-26. Support for these amendments are found from line 4 of page 7 through line 12 of page 10. Applicants have cancelled Claims 4, 6, 9-12, and 14. Therefore the Claims currently under consideration are Claims 1-3, 5, 7, 8, 16-18, 20, and 24-26.

Claim Rejections - 35 USC § 103

The Examiner has also rejected Claims 1-8, 11, 17, 18, 20, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over Yamada et al, US 4,719,034.

The Examiner states that Yamada et al teach a solid silicone defoaming agent comprising 30% of a silicone composition consisting of finely divided silica and a dimethylsiloxanemethyltetradecylsiloxane-methyl(2-phenylethyl)siloxane copolymer, 30% glyceryl monostearate, and 20% propylene glycol monostearate (col. 6, example 3). The Examiner notes that suitable glycerol esters of the invention include propylene glycol diesters (Col. 2, lines 52-63). Accordingly, the Examiner argues that it would have been obvious to one of ordinary skill in the art to substitute either a propylene glycol diester or glycerol triester for one of the monoesters in example 3 and so render obvious the claims at hand, as diester and triester

Applicants believe that through the present amendment, the invention as now recited in the Claims is nonobvious over Yamada et al. Claim 1 now recites a granulated foam control composition comprising: (i) a foam control agent comprising a polydiorganosiloxane fluid;
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a hydrophobic filler dispersed in the polydiorganosiloxane fluid; and optionally an organosilicon resin; and (ii) an additive composition having a melting point of at least 35°C comprising: 5-50 parts by weight of a glycerol triester (A) which is esterified by carboxylate groups each having 7 to 36 carbon atoms, wherein at least 90% of the hydroxyl groups of the glycerol triester are esterified; and 50-95 parts by weight of a mixture of monoesters and diesters of glycerol (B) which is miscible with component (A) and is more polar than component (A), at least one of (A) and (B) being miscible with the polysiloxane fluid wherein the foam control agent (i) and the additive composition (ii) are supported on a particulate carrier with the proviso that a mixture of (i) and (ii) is deposited onto the particulate carrier in non-aqueous liquid form.

Yamada et al. fails to disclose or suggest the foam control composition as now recited in Claim et. seq. Nowhere in Yamada et al. is the additive composition of component (ii) comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom disclosed or taught. There is no evidence or suggestion in Yamada et al. of foam control composition comprising an additive composition comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom. Therefore applicants conclude that an artisan having common sense at the time of the invention would not have reasonably considered a foam control composition comprising an additive composition containing a glycerol triester and a mixture of monoesters and diesters as currently claimed.

Therefore, the applicants request that the rejection under 35 U.S.C. §103 be withdrawn and the claims allowed to issue.

The Examiner has rejected Claims 1, 2, 4-12, 14, 17, 18, 20, 24, and 25 under 35 U.S.C. 103(a) as being unpatentable over Schmid et al, US 6,610,752. The Examiner states that suitable organopolysiloxanes of the invention may have as their substituents, methyl, ethyl, propyl, butyl, and phenyl (col. 2, lines 34-43). The Examiner further argues that besides silicones, other defoamers for use in the invention include the mono, di, or triesters of glycerol (col. 4, lines 64-67). Note that these granules are added to detergents which may contain well known nonionic surfactants such as ethoxylated alcohols and ethoxylated alkyl phenols (col. 9, lines 40-67). The

Examiner also states that Schmid et al do not specifically teach a combination of silicone defoamers and mixtures of glycerol esters, however, as these esters are specifically taught as well known defoamers, it would have been obvious to one of ordinary skill in the art to formulate a defoaming granule incorporating these esters with a reasonable expectation of enhancing its defoaming efficacy.

Schmid et al. fails to disclose or suggest the foam control composition as now recited in Claim et. seq. Nowhere in Schmid et al. is the additive composition of component (ii) comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom disclosed or taught. There is no evidence or suggestion in Schmid et al. of foam control composition comprising an additive composition comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom. Therefore Applicants conclude that an artisan having common sense at the time of the invention would not have reasonably considered a foam control composition comprising an additive composition containing a glycerol triester and a mixture of monoesters and diesters as currently claimed.

Therefore, the applicants request that the rejection under 35 U.S.C. §103 be withdrawn and the claims allowed to issue.

Claims 1, 2, 5-7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koczo et al, US 5,846,454. The Examiner states that Koczo et al teach an antifoam concentrate comprising a polydiorganosiloxane, fine solid particles, and a nonionic emulsifier (see abstract). Suitable organic groups of the organosiloxane include ethyl, propyl, butyl, or phenyl (col. 2, lines 55-57), and the emulsifier component may contain two emulsifiers, one with a low HLB (sorbitan tristearate) and a high HLB (glyceryl monolaurate and ethoxylated alcohols) (col. 4, lines 28-35). The Examiner argues that it would have been obvious to one of ordinary skill in the art to prepare a composition comprising an organosiloxane including an ethyl, propyl, butyl, or phenyl group, fine solid particles, and two emulsifiers including sorbitan tristearate and glyceryl monolaurate; and so render obvious the claims at hand.

Koczo et al. fails to disclose or suggest the foam control composition as now recited in Claim et. seq. Nowhere in Koczo et al. is the additive composition of component (ii) comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom disclosed or taught. There is no evidence or suggestion in Koczo et al. of foam control composition comprising an additive composition comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom. Therefore Applicants conclude that an artisan having common sense at the time of the invention would not have reasonably considered a foam control composition comprising an additive composition containing a glycerol triester and a mixture of monoesters and diesters as currently claimed.

Therefore, the applicants request that the rejection under 35 U.S.C. §103 be withdrawn and the claims allowed to issue.

Claims 1-11, 14, 16-18, 20, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmid et al, US 6,610,752 in view of L'Hostis et al, EP 1,075,863.

The Examiner relies on Schmid et al. as described above. The Examiner states that Schmid et al. do not teach a silicone resin in their defoamer granules. The Examiner states that L'Hostis et al teach a silicone foam control granule comprising an organic fluid, a siloxane resin containing MQ groups, a silica filler having a particle size of from 0.5 to 30 microns, a particulate carrier, and a mixture of polydiorganosiloxanes, wherein at least one of the organic groups is a phenylpropyl group (page 10, claims 1-4, 10, 15, and 24). The Examiner then concludes that it would have been obvious to one of ordinary skill in the art to incorporate a siloxane resin into the defoaming granules of Schmid et al., as such resins are taught as highly preferred components in silicone-based defoaming granules.

Schmid et al. fails to disclose or suggest the foam control composition as now recited in Claim et. seq. Nowhere in Schmid et al. is the additive composition of component (ii) comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom disclosed or taught. There is no evidence or suggestion in Schmid et al. of foam control composition

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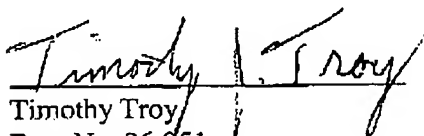
comprising an additive composition comprising a glycerol triester (component A) and a mixture of monoesters and diesters of glycerol (component B) as currently recited Claim 1 and claims depending therefrom. Furthermore there is no evidence or suggestion in Schmid et al. of the use of a silicone resin in their defoamer granules.

In L'Hostis nowhere is an additive composition disclosed or taught in their silicone foam control granule. There is no evidence or suggestion in L'Hostis of an additive composition comprising glycerol triester and a mixture of monoesters and diesters of glycerol. Therefore Applicants find no suggestion to combine the teachings and suggestions of Schmid et al. and L'Hostis as suggested by the Examiner except from using Applicants' invention as a template through a hindsight reconstruction of Applicants claims. Applicants further conclude that an artisan having common sense at the time of the invention would not have reasonably considered adding a siloxane resin to a foam control composition comprising an additive composition containing a glycerol triester and a mixture of monoesters and diesters as currently claimed. Furthermore, even if the disclosures of Schmid et al. and L'Hostis are combined, Applicants invention as recited in the Claims above is not arrived at.

Therefore, the applicants request that the rejection under 35 U.S.C. §103 be withdrawn and the claims allowed to issue.

Applicants also submit herewith a petition for a one (1) month extension of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,
Dow Corning Corporation


Timothy Troy
Reg. No. 36,951
Tel: 989-496-5533

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